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FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. FILING DATE APPLICATION NO. 884.863US1 7090 10/747,927 12/30/2003 Paul A. Koning EXAMINER 11/21/2005 21186 7590 SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH ABOAGYE, MICHAEL 1600 TCF TOWER PAPER NUMBER ART UNIT 121 SOUTH EIGHT STREET 1725 MINNEAPOLIS, MN 55402

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

			W
Office Action Summary	Application No.	Applicant(s)	
	10/747,927	KONING ET AL.	
	Examiner	Art Unit	
	Michael Aboagye	1725	
The MAILING DATE of this communication app	pears on the cover sheet with the o	correspondence add	dress
Period for Reply	VIC OFT TO EVOIDE 4 MONTH	e) OD TUIDTV (3(N DAVS
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 136(a). In no event, however, may a reply be tirwill apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	N. nely filed the mailing date of this co D (35 U.S.C. § 133).	
Status			
 1) ⊠ Responsive to communication(s) filed on 29 J 2a) ☐ This action is FINAL. 2b) ☐ This 3) ☐ Since this application is in condition for alloware closed in accordance with the practice under the condition of the cond	s action is non-final. ince except for formal matters, pro		merits is
Disposition of Claims			
4) ⊠ Claim(s) 1-27 is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) ⊠ Claim(s) 1-27 are subject to restriction and/or	wn from consideration.	·	
Application Papers			
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the E	cepted or b) objected to by the drawing(s) be held in abeyance. Section is required if the drawing(s) is ob	e 37 CFR 1.85(a). ojected to. See 37 CF	
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documen 2. Certified copies of the priority documen 3. Copies of the certified copies of the priority documen application from the International Burea * See the attached detailed Office action for a list	ts have been received. ts have been received in Applicat prity documents have been receiv au (PCT Rule 17.2(a)).	ion No ed in this National	Stage
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summan Paper No(s)/Mail D	ate	
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date	5) Notice of Informal I 6) Other:	Patent Application (PTC)-152)

U.S. Patent and Trademark Office PTOL-326 (Rev. 7-05)

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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1- 10, and 24- 27 are, drawn to final product classified in class 257, subclass 706.
 - II. Claims 11- 14, drawn to intermediate product, classified in class 423, subclass 447.1.
 - III. Claims 15- 18 are, drawn to a process of making classified in class 228, subclass 170.
- IV. Claims 19-23 are, drawn to a process of making classified in class 228, subclass 245.
- 2. Inventions I and II are related as mutually exclusive species in an intermediate-final product relationship. Distinctness is proven for claims in this relationship if the intermediate product is useful to make other than the final product (MPEP § 806.04(b), 3rd paragraph), and the species are patentably distinct (MPEP § 806.04(h)). In the instant case, the intermediate product is deemed to be useful as in bonding an article that does not include a die and the inventions are deemed patentably distinct since there is nothing on this record to show them to be obvious variants. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be

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obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions anticipated by the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 3. Inventions I and III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product can be made by another and materially different process, wherein the product is preformed to a certain size and is not sliced.
- 4. Inventions I and IV are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product can be made by another and materially different process, like mechanical bonding.
- 5. Inventions II and III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2)

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that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process as claimed can be used to make other and materially different product that does not require the particulars of the carbon nanotubes, e.g. the length range.

- 6. Inventions II and IV are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process as claimed can be used to make other and materially different product that does not require the particulars of the carbon nanotubes, e.g. the length range.
- 7. Inventions III and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are unrelated because the two processes are used to make materially different products.
- 8. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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- 9. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 10. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Aboagye whose telephone number is 571-272-8165. The examiner can normally be reached on Mon - Fri 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dunn can be reached on 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have guestions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

> Michael Aboagye **Assistant Examiner**

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10/15/2005

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KEVIN KERNS Kirin Kerns 11/15/05 PRIMARY EXAMINER